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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE 78-60 BY) O R D E R
EDWARD MEDINA)

THIS MATTER having come on for hearing upon the application of Edward Medina for a Comprehensive Land Use Plan change from Urban Density to Multiple Density and a zone change from RA (Residential/Agricultural) to MHP (Mobile Home Park), by the Klamath County Planning Commission, on real property described as Township 38, Range 9, Section 35, and Tax Lot 81. Public hearings having been heard by the Klamath County Planning Commission on January 24, 1979, wherefrom the testimony, reports, and information produced at the hearing by the applicant, members of the Planning Department Staff and other persons in attendance, the Planning Commission recommended denial to the Board of County Commissioners. Following action by the Planning Commission, a public hearing before the Board of County Commissioners was regularly held on February 20, 1979, wherefrom the testimony at said hearing it appeared that the record below was accurate and complete and it appears from the testimony, reports and exhibits introduced at the hearing before the Planning Commission that the application for a change of Comprehensive Land Use Plan and zone change for the subject property, should be denied.

1 Findings of Fact and Conclusions of Law is required by Ordinance
2 No. 17, the Klamath County Zoning Ordinance:

3 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
4 CHANGE:

5 1. The Board of Commissioners found the existing
6 surrounding Comprehensive Land Use Plan is urbanization with
7 zoning classification mainly Residential.

8 2. The Board of Commissioners found the size and
9 shape of the property is inadequate for the proposed use, by
10 requirements of the Ordinance.

11 3. The Board of Commissioners found location is in
12 a residential neighborhood. The proposed use would add density
13 to the neighborhood.

14 4. The Board of Commissioners found the access to the
15 property is not good because of the high traffic volume on
16 Shasta Way.

17 5. The Board of Commissioners found land use trends
18 in the area to be towards Residential and not towards Mobile
19 Home Park.

20 6. The Board of Commissioners found people owning
21 adjacent property had been notified and also testified in
22 opposition, thus addressing LCDC Goal No. 1, Citizen Involvement.

23 7. The Board of Commissioners found site for land
24 use change to be Urban Density and therefore not in conformance
25 with the existing land use, thus addressing LCDC Goal No. 2,
26 Land Use Planning.

27 8. The Board of Commissioners found that a water
28 supply was not adequate to meet the needs of the area at the

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1 present time, thus addressing LCDC Goal No. 6.

2 9. The Board of Commissioners found site had
3 access off of Shasta Way which from testimony has a heavy con-
4 centration of traffic now and with an addition of traffic to
5 Shasta Way would not be beneficial to that area.

6 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
7 CHANGE:

8 1. The property affected by the Comprehensive Land
9 Use Plan change is not adequate in size and shape to facilitate
10 those uses normally allowed in conjunction with such zoning.

11 2. The property affected by the proposed Comprehen-
12 sive Land Use Plan change is not properly related to streets
13 and highways to adequately serve the type of traffic generated
14 by such uses that may be permitted therein.

15 3. The proposed Comprehensive Land Use Plan change
16 will have an adverse effect on any property or the permitted uses
17 thereof within the affected area.

18 4. That the proposed Comprehensive Land Use Plan
19 change is not in keeping with any land use plans duly adopted
20 and does not, in effect, represent the highest, best and most
21 appropriate use of the land affected.

22 5. That the proposed Comprehensive Land Use Plan
23 change is not in keeping with land uses and improvements, trends
24 in land development, density of land development and prospective
25 needs for development in the affected area.

26 FINDINGS OF FACT FOR ZONE CHANGE:

27 1. The Board of Commissioners found the existing
28 surrounding Comprehensive Land Use Plan is urbanization with

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1 zoning classification mainly Residential.

2 2. The Board of Commissioners found the size and
3 shape of the property is inadequate for the proposed use, by
4 requirements of the Ordinance.

5 3. The Board of Commissioners found location is in
6 a residential neighborhood. The proposed use would add density
7 to the neighborhood.

8 4. The Board of Commissioners found the access to the
9 property is not good because of the high traffic volume on
10 Shasta Way.

11 5. The Board of Commissioners found land use trends
12 in the area to be towards Residential and not towards Mobile
13 Home Park.

14 6. The Board of Commissioners found people owning
15 adjacent property had been notified and also testified in
16 opposition, thus addressing LCDC Goal No. 1, Citizen Involvement.

17 7. The Board of Commissioners found site for land
18 use change to be Urban Density and therefore not in conformance
19 with the existing land use, thus addressing LCDC Goal No. 2,
20 Land Use Planning.

21 8. The Board of Commissioners found that a water
22 supply was not adequate to meet the needs of the area at the
23 present time, thus addressing LCDC Goal No. 6.

24 9. The Board of Commissioners found site had
25 access off of Shasta Way which from testimony has a heavy con-
26 centration of traffic now and with an addition of traffic to
27 Shasta Way would not be beneficial to that area.
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CONCLUSIONS OF LAW FOR ZONE CHANGE:

1. The property affected by the Zone Change is not adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning.

2. The property affected by the proposed Zone Change is not properly related to streets and highways to adequately serve the type of traffic generated by such uses that may be premitted therein.

3. The proposed Zone Change will have an adverse effect on any property or the permitted uses thereof within the affected area.

4. That the proposed Zone Change is not in keeping with any land use plans duly adopted and does not, in effect, represent the highest, best and most appropriate use of the land affected.

5. That the proposed Zone Change is not in keeping with land uses and improvements, trends in land development, density of land development and prospective needs for development in the affected area.

NOW, THEREFORE, it is hereby ordered that the application for the Comprehensive Land Use Plan change from Urban Density to Multiple Density and Zone Change from Residential/

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1 Agricultural to Mobile Home Park for Edward Medina on the
2 subject property is hereby denied.

3 DONE AND DATED THIS 12th DAY OF April, 1979.
4

5 Harold L. Kynner
6 CHAIRMAN OF THE BOARD
7

8 Alvin A. Thayer
9 COUNTY COMMISSIONER
10

11 Neil L. Loomer
12 COUNTY COMMISSIONER
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14 APPROVED AS TO FORM:
15 Boivin, Boivin & Aspell

16 By: Robert K. Krum
17 COUNTY LEGAL COUNSEL
18

19 STATE OF OREGON; COUNTY OF KLAMATH; ss.

20 Filed for record at request of Klamath County

21 this 16th day of April A. D. 19 79 at 10:01 o'clock A.M., and

22 duly recorded in Vol. 479, of Deeds on Page 8226

23 Wm D. MILNE, County Clerk

24 No Fee
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